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14 UNITED STATES OF AMERICA

15 UNITED STATES DISTRICT COURT

16 FOR THE CENTRAL DISTRICT OF CALIFORNIA

17 UNITED STATES OF AMERICA,

18 Plaintiff,

19 v.

20 ARLAN WESLEY HARRELL, et al.,

21 Defendants.  
22

No. CR 17-404(A)-AB-2

GOVERNMENT'S EX PARTE APPLICATION  
FOR ORDER PERMITTING FILING OF  
OVERSIZE BRIEF IN RESPONSE TO  
DEFENDANT BRINSON'S MOTION TO  
SUPPRESS PHYSICAL EVIDENCE SEIZED  
DURING VEHICLE SEARCH AND FRUITS  
THEREOF [DOCKET NO. 125]

23 Plaintiff United States of America, by and through its counsel  
24 of record, the United States Attorney for the Central District of  
25 California and Assistant United States Attorney Devon Myers, hereby  
26 applies ex parte for an order permitting the government to file an  
27 oversized brief in opposition to defendant Brinson's Motion To  
28 Suppress Physical Evidence Seized During the Vehicle Search And

1 Fruits Thereof [Docket No. 125].

2 This ex parte application is based upon the attached declaration  
3 of Assistant United States Attorney Devon Myers.

4 Dated: September 12, 2019

Respectfully submitted,

5 NICOLA T. HANNA  
United States Attorney

6 PATRICK R. FITZGERALD  
7 Assistant United States Attorney  
8 Chief, National Security Division

9 /s/  
10 DEVON MYERS  
Assistant United States Attorney

11 Attorneys for Plaintiff  
12 UNITED STATES OF AMERICA  
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**DECLARATION OF DEVON MYERS**

I, Devon Myers, declare as follows:

1. I am an Assistant United States Attorney ("AUSA") in the United States Attorney's Office for the Central District of California. Along with Department of Justice Trial Attorney Lauren S. Kupersmith, I am an attorney representing the government in this case.

2. The government respectfully seeks an order of the Court permitting the government to file an oversized brief in opposition to defendant John Brinson, Jr.'s ("defendant") Motion To Suppress Physical Evidence Seized During the Vehicle Search And Fruits Thereof [Docket No. 125].

3. The opposition would exceed the 25-page limit set forth in Local Civil Rule 11-6, applicable generally under Local Criminal Rule 57-1.

4. Defendant's motion was 29 pages in length and raised issues regarding the evidence in the case and requested a Franks hearing. To provide the Court with a detailed and thorough response to the factual issues, as well as the applicable law, the government believes that it is necessary to file an oversize brief.

5. Pursuant to Local Rule 11-6, parties may submit oversized briefs upon Court order for good cause shown. Accordingly, the government hereby requests such an order.

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